

**NPDES Stormwater
Technical Advisory Committee (TAC)
REPORT OF MEETING**

TUESDAY, APRIL 12, 2011

9:30 A. M. to Noon

CITY OF EAST PALO ALTO

1. INTRODUCTIONS, ANNOUNCEMENTS, ADOPTION OF MINUTES, AND REVISION TO AGENDA
Self-introductions were made, and the March TAC meeting minutes were adopted as written.

It was agreed to add approval of BASMAA's Green Roof Minimum Specification report to the agenda.

2. ACTION ITEMS:

- A. Approval of Countywide Program's Budget for FY 2011/12.

Agreed Action: A decision on approving the draft budget was postponed until the May 17 TAC meeting.

Background: Matt reviewed the budget information materials that had been distributed on April 11. Last year the Countywide Program was estimating a deficit of about \$400K starting in FY 2013/14. Current projections show no deficit in either FY 2013/14 or FY 2014/15. The projections are based on various assumptions described in the budget worksheets. Beyond the MRP's five-year permit period the Countywide Program will face a funding shortfall because the fund balance will have been drawn down, fund balances with BASMAA will be depleted, and EPA's PCBs grant funded project will be completed. It is difficult to project the amount of additional revenue the Countywide Program and its member municipalities will need in FY 2015/16 and beyond without information about the next permit's requirements.

A copy of the budgets for BASMAA's projects was distributed. BASMAA's multi-year projects amount to about \$6.5 million spent regionally with the Countywide Program's share amounting to 13.97% based on relative population.

- B. Approval of LID Feasibility/Infeasibility Report

Agreed Action: Cassie Prudel and Ray Chan agreed that BASMAA may submit this report on behalf of South San Francisco and San Carlos, respectively. The duly authorized representatives from other agencies will submit by April 26 emails to Matt documenting their approvals. This will allow BASMAA time to make any minor modifications needed and submit the report by the May 1 due date.

Background: Draft final copy of the "Harvest and Use, Infiltration and Evapotranspiration Feasibility/Infeasibility Criteria Report" (LID Feasibility/Infeasibility Report) was approved by BASMAA's Development Committee on April 7, and some minor changes to the report were made to incorporate information on plumbing code constraints for rainwater harvesting. The draft final copy of this report was distributed to the TAC on April 11. The Countywide Program's Development Committee has participated in the creation of this report. One of the TAC members suggested using double-headed arrows on the Figure 1 Feasibility Criteria Flow Chart and that the actual names of the report's authors be added.

- C. Approval of Green Roof Minimum Specifications Report

Agreed Action: Cassie Prudel and Ray Chan agreed that BASMAA may submit this report on behalf of South San Francisco and San Carlos, respectively. The duly authorized representatives from other agencies will submit by April 26 emails to Matt documenting their approvals. This will allow BASMAA time to make any minor modifications and submit the report by the May 1 due date.

Background: The final draft copy of the “Green Roof Minimum Specifications Report” was also approved by BASMAA’s Development Committee, and a copy was distributed to the TAC on April 11. The report contains non-controversial information about how green roofs need to be designed to comply with the MRP’s requirements. Again, the Countywide Program’s New Development Committee participated in the development and review of this report.

3. PRESENTATIONS:

- A. Regional Water Board Staff’s Expectations for Complying with MRP’s Provisions C.3, C.4, C.5, C.6, and C.15 – Sue Ma and Selina Louie from the Water Board staff provided the following information.

General Comments

The Water Board staff recognizes that the last annual report was a transitional year with the reporting template substantially different than previous reporting years. The Water Board staff reviewed all of the annual reports submitted by the 76 copermittees and found that the completeness and consistency varied greatly. To improve reporting and clarify the Water Board staff’s expectations, the Water Board staff prepared and distributed memoranda covering Provisions C.3 and C.9. A similar memorandum will be distributed in early May regarding Provisions C.4, C.5, C.6, and C.15. This memorandum will reiterate the comments and concerns described in Selina’s presentation.

In the future the Water Board staff would like all enforcement actions tracked until the violations are resolved. The top performing cities have systems set up to track and document enforcement actions. Twenty of the 76 copermittees record everything. These robust datasets give the Water Board staff an idea how cities operate. At a minimum cities need to record enough information to demonstrate compliance with the MRP.

The Water Board staff does not want to tell cities what terminology to use for violations. The level of violation needs to be linked to the seriousness of the offense. Verbal warnings are an enforcement action and need to be documented. Cities need a way to confirm a return to compliance. Violations should affect how priorities are established for future inspections. There is also latitude in how cities may confirm a return to compliance. The follow up required to document resolution of a minor problem might simply be a photograph sent in by the business or contractor.

Bay Area-wide the Water Board has issued 29 notices of violation (NOVs) and will be issuing an additional 4 to 6 NOVs based on the information submitted in the FY 2009/10 annual reports. NOVs were not issued for mistakes made in completing the annual reporting form.

There will be an informational item on the May 11 Water Board meeting about the status of the cities in meeting the MRP’s requirements.

Provision C.3

The completeness in reporting on Provision C.3 development projects varied greatly among cities. Common misunderstandings about reporting this information were reviewed. Entries on the reporting table should not be left blank; if the requested information is not applicable write this in. The Water Board staff expects the next annual report’s new development table to be filled in completely and accurately.

Some municipalities reported doing no operations and maintenance (O&M) verification inspections of stormwater treatment systems. This was acceptable last fiscal year, but this fiscal year municipalities must implement their plans for doing O&M verification inspections. Some cities rely on the business to do self-inspections; this approach does not meet the MRP’s requirements. In the next annual report one of the areas that the Water Board staff will focus on will be compliance with the MRP’s O&M verification inspection requirements.

The Water Board memo dated April 10 regarding C.3 contains highlighted tables of city-specific information. The memo does not request that cities amend their annual report submittals to address the

highlighted issues, but they may do so if they choose.

Provision C.4

Municipalities need to explain if the number of violations is greater than the number of violations resolved within 10 days. If the explanation is in a footnote, the footnote needs to be highlighted so it is not lost among the explanatory footnotes included in the annual reporting template. The enforcement level applied to a potential or actual violation should be based on the municipality's enforcement response plan.

The cities that contract for inspection services need to be engaged in the inspection program because they are ultimately responsible for MRP compliance. Some of the cities in San Mateo County appear unfamiliar with the business/facility inspection services that County Environmental Health performs for them. This is reflected in city staff being unclear about what the County Environmental Health and city staffs respective roles and responsibilities are for planning, conducting, and following up on business inspections. In addition, it is also essential to collect the inspection information required by the MRP.

Provision C.5

The Water Board staff will continue to work on the issue of whether a discharge that reaches an MS4, but does not actually reach a receiving water, is an illicit discharge under the MRP.

Provision C.6

Water Board staff spent a lot of time reviewing information submitted to document construction inspections. High-priority sites for monthly inspections are ones that are regulated projects as defined by Provision C.3 or that receive a grading permit from the municipality. Inactive sites that are using temporary sediment controls need to be inspected monthly. The inspections could be brief drive bys to assure that stockpiles remain secure. The Water Board staff will continue a dialog on how to handle illicit discharges that flow to more than one storm drain. One of the required, negotiated, MRP requirements is to determine whether there has been rainfall runoff since the last construction site inspection. It is helpful that construction site inspection information can be sorted by construction site and the date of the inspection.

The Water Board staff requested additional documentation of construction site inspections from 18 cities. Not all of the cities had the data as required by the MRP. Most cities were conducting the required monthly inspections of high priority construction sites. Most construction-related stormwater problems are corrected within three days.

The Water Board staff's expectations are that the cities will define what high priority construction sites are. These sites need to be inspected from grading through the construction site stabilization phase.

Municipalities need to verify the implementation of corrective actions, and there needs to be a system to track the number of days from the time a violation is found until it is corrected. There is some discretion in determining what constitutes a violation. For example, if a squashed waddle was found at a construction site, it would not have to be considered a violation if the contractor has a system in place to replace the waddle on his or her own initiative.

4. PUBLIC COMMENTS - None.

5. NEXT MEETING

The next TAC meeting will be held on May 17 at the City of Millbrae. The June TAC meeting will be held in the City of San Carlos.

7. ADJOURNED